

The opinion in support of the decision being entered
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES T. LAGROTTA and RICHARD THOMAS LAGROTTA

Appeal 2007-1236
Application 09/919,020
Technology Center 2600

Decided: July 31, 2007

Before JOHN C. MARTIN, JOSEPH L. DIXON, and ROBERT E.
NAPPI, *Administrative Patent Judges*.
DIXON, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This is an Order remanding the application to the Examiner. The
“Overview of the Subject Matter of the Independent Claims” at pages 2-3 of

Appellants' Brief summarizes the claimed subject matter without reading the claim limitations on the pages and lines of the specification or on the reference characters in the drawings. Although the "Additional Text from the Specification in Support of the Claims" (Br. 4-13) provides a detailed description of the subject matter depicted in the various figures, it fails to explain how the claim limitations read on that subject matter. Appellants' Brief is therefore not in compliance with 37 CFR § 41.37(c)(1)(v), which requires that the Summary of the Claimed Subject Matter provide "[a] concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters." The Brief must be in compliance prior to entry of a decision on the merits.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) send a notice of non-compliance of the Brief,
- (2) evaluate the supplemental Brief for compliance with 37 CFR § 41.37, and
- (3) take such further action as may be appropriate.

Appeal 2007-1236
Application 09/919,020

REMANDED

eld

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC
ATTN: JOHN CURTIN
P.O. BOX 1995
VIENNA, VA 22183